IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1179 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/03/2005 in WP NO : 6406 OF 2005 on the file of the High Court.)

Between:

1 The APSRTC rep., by its Regional Manager, JBS Picket at Secunderabad.
2 The APSRTC rep., by Divisional Manager (Sec'bad) o/o Regional Manager, JBS, Picket at Secunderabad.
3 The APSRTC rep., by its Depot Manager, Kushaiguda, Hyderabad District.

..... APPELLANTS

AND

B.Gopal, E.201103, Conductor, Kushaiguda Depot, s/o Ramulu, r/o Kushaiguda, Hyderabad District.

.....RESPONDENT

Counsel for the Appellant:MR.V.T.M.PRASAD

Counsel for the Respondent No.: MR.S.M.SUBHAN

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

This writ appeal is preferred by the Corporation against the order of the learned single Judge passed in W.P.No:6406 of 2005 on 21st March, 2005, by which the writ petition is disposed of with the observations as indicated therein.

The respondent is the writ petitioner. He filed the writ petition seeking to declare the action of the appellants in imposing the punishment of postponing annual increment next falls due for a period of two years with cumulative effect by the Appellate Authority without holding any Departmental enquiry as illegal and arbitrary and to set aside the same by directing the appellants to re-fix the pay of the writ petitioner by adding the differed increment with effect from 20.1.1999 and to pay the arrears. The learned single Judge having observed that the writ petitioner is entitled to get increments on notional calculation from the date of this order, to which he is entitled, as he has been imposed penalty of reduction of two annual increments without cumulative effect, disposed of the writ petition. Aggrieved by the same, the Corporation has preferred this appeal.

Heard the learned counsel.

When the matter is taken up for hearing, it is fairly conceded by the learned standing counsel for the Corporation that no enquiry has been conducted before imposing the punishment in question.

In view of the fact that no proper enquiry is conducted before imposing the punishment against the writ petitioner, We have no hesitation to hold that it amounts to violation of the service rules and conditions. Therefore, the order impugned in the writ petition as well as the order of the learned single Judge, are liable to be set aside on that account.

Accordingly, this writ appeal is allowed. The order impugned in the writ petition dated 20.1.1999 as well as the order of the learned single Judge, are set aside. However, the Corporation is at liberty to conduct the enquiry afresh in accordance with the rules and regulations, after affording an opportunity to the writ petitioner.

It is also made clear that the claim of the writ petitioner, if any, as to the arrears of increment will be subject to the result of the Departmental enquiry.

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(T.MEENA KUMARI, J)

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(P.LAKSHMANA REDDY, J)

27.06.2005

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To

1 The APSRTC rep., by its Regional Manager, JBS Picket at Secunderabad.
2 The APSRTC rep., by Divisional Manager (Sec'bad) o/o Regional Manager, JBS, Picket at Secunderabad.
3 The APSRTC rep., by its Depot Manager, Kushaiguda, Hyderabad District.

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